



2025:AHC-1 KO:85769-DB

**HIGH COURT OF JUDICATURE AT ALLAHABAD
LUCKNOW**

WRIT - C No. - 12128 of 2025

Durga Prashad Mishra And Another

.....Petitioner(s)

Versus

State Of U.P. Thru. Addl. Chief Secy. Revenue
Govt. Lko. And 7 Others

.....Respondent(s)

Counsel for Petitioner(s)	:	Anu Pratap Singh
Counsel for Respondent(s)	:	C.S.C.

Court No. - 2

**HON'BLE MRS. SANGEETA CHANDRA, J.
HON'BLE AMITABH KUMAR RAI, J.**

1. Heard learned counsel for the petitioners and learned Standing Counsel, who appears on behalf of State-respondents.

2. This petition has been filed with the following prayers :-

"(a) Issue a writ, order or direction in the nature of mandamus commanding opposite party no.2 to take strict action on representation dated 17.11.2025 moved by petitioner no.1 against opposite party no.5 as contained in Annexure no.1 to this writ petition.

(b) Issue a writ, order or direction in the nature of mandamus commanding opposite party no.3 to take strict action on representation dated 17.11.2025 of petitioner No.1 against opposite party no.6 as contained in Annexure no.2 to this writ petition.

(c) Issue a writ, order or direction in the nature of mandamus commanding opposite party no.2 and 3 to take appropriate steps to ensure that no construction is raised over Khasra Plot No.1636 area 0.594 hectare situated at village Majhilgaon Pargana Bihar Tehsil Kunda, District Pratapgarh without permission of opposite party no.4 in pending suit no.12631/2025 (Durga Prashad others vs. Chandrika Prashad others)."

3. It has been submitted by the learned counsel for the petitioners that the private respondents are continuing to make construction on the disputed property, Khasra No.1636. Representations have been made to the authorities by the petitioner repeatedly, as the petitioner has already filed a suit under Section 116 of the U.P. Revenue Code, 2006 (hereinafter referred

to as “**Code, 2006**”) for division of agricultural land bearing Khasra Nos.1636, 1638, 1696 and 714 ka of Village Majhilgaon, Pargana Bihar, Tehsil Kunda, District Pratapgarh.

4. We have gone through Annexure-2, which is an application made by the petitioners on a plain piece of paper to the SDM, Kunda, Pratapgarh. On this application, moved on a plain piece of paper, the SDM, Kunda, Pratapgarh, on the margin, has directed the SHO and the Revenue Inspector to conduct an enquiry with regard to the allegations made in the application, as the partition suit is pending between the parties and there is a likelihood of prejudice being caused to the interest of the parties.

5. We find that such an application on a plain piece of paper was not maintainable. The petitioner ought to have moved an application for interim relief in the pending suit under Section 116 of the Code, 2006 before the Court of SDM, where his suit is pending.

6. On such an application for interim relief being moved, the defendants would have got an opportunity to contest the case.

7. We do not find any good ground to grant the prayers as made in this writ petition. Accordingly, the writ petition stands **disposed of** with liberty to the petitioners to approach the SDM on the judicial side, where the suit is pending.

(Amitabh Kumar Rai,J.) (Mrs. Sangeeta Chandra,J.)

December 18, 2025

Shubhankar